



Use of Funds

300.202 Use of amounts.

- a) General. Amounts provided to the LEA under Part B of the Act--
 - (1) Must be expended in accordance with the applicable provisions of this part;
 - (2) Must be used only to pay the excess costs of providing special education and related services to children with disabilities, consistent with paragraph (b) of this section; and
 - (3) Must be used to supplement State, local, and other Federal funds and not to supplant those funds.
- (b) Excess cost requirement.
 - (1) General.
 - (i) The excess cost requirement prevents an LEA from using funds provided under Part B of the Act to pay for all of the costs directly attributable to the education of a child with a disability, subject to paragraph (b)(1)(ii) of this section.
 - (ii) The excess cost requirement does not prevent an LEA from using Part B funds to pay for all of the costs directly attributable to the education of a child with a disability in any of the ages 3, 4, 5, 18, 19, 20, or 21, if no local or State funds are available for nondisabled children of these ages. However, the LEA must comply with the nonsupplanting and other requirements of this part in providing the education and services for these children.
 - (2)(i) An LEA meets the excess cost requirement if it has spent at least a minimum average amount for the education of its children with disabilities before funds under Part B of the Act are used.
 - (ii) The amount described in paragraph (b)(2)(i) of this section is determined in accordance with the definition of excess costs in 300.16. That amount may not include capital outlay or debt service.
 - (3) If two or more LEAs jointly establish eligibility in accordance with 300.223, the minimum average amount is the average of the combined minimum average amounts determined in accordance with the definition of excess costs in 300.16 in those agencies for elementary or secondary school students, as the case may be.

Approved Schoolwide Programs

It is permissible for districts to use IDEA Part B funds for support of an approved Schoolwide Program. If Part B funds are used in such a manner, they must be used consistent with the following IDEA regulation. Districts using Part B funds to support an approved Schoolwide Program must keep a copy of the completed form for the calculation of the funds in their district's financial records. A form for calculating IDEA Part B funds for support of an approved Schoolwide Program is available for download by clicking on the following link:
<http://www.opi.mt.gov/PDF/SpecED/IDEA/07AugSWCalcIDEA.pdf>.

300.206 Schoolwide programs under title I of the ESEA.

- (a) General. Notwithstanding the provisions of 300.202 and 300.203 or any other provision of Part B of the Act, an LEA may use funds received under Part B of the Act for any fiscal year to carry out a schoolwide program under section 1114 of the ESEA, except that the amount used in any schoolwide program may not exceed--
 - (1)(i) The amount received by the LEA under Part B of the Act for that fiscal year; divided by
 - (ii) The number of children with disabilities in the jurisdiction of the LEA; and multiplied by
 - (2) The number of children with disabilities participating in the schoolwide program.
- (b) Funding conditions. The funds described in paragraph (a) of this section are subject to the following conditions:
 - (1) The funds must be considered as Federal Part B funds for purposes of the calculations required by 300.202(a)(2) and (a)(3).
 - (2) The funds may be used without regard to the requirements of 300.202(a)(1).
- (c) Meeting other Part B requirements. Except as provided in paragraph (b) of this section, all other requirements of Part B of the Act must be met by an LEA using Part B funds in accordance with paragraph (a) of this section, including ensuring that children with disabilities in schoolwide program schools--
 - (1) Receive services in accordance with a properly developed IEP; and
 - (2) Are afforded all of the rights and services guaranteed to children with disabilities under the Act.

Personnel Development Costs

300.207 Personnel development.

The LEA must ensure that all personnel necessary to carry out Part B of the Act are appropriately and adequately prepared, subject to the requirements of 300.156 (related to personnel qualifications) and section 2122 of the ESEA.

Permissive Uses of Funds

300.208 Permissive use of funds.

(a) Uses. Notwithstanding 300.202, 300.203(a), and 300.162(b), funds provided to an LEA under Part B of the Act may be used for the following activities:

(1) Services and aids that also benefit nondisabled children. For the costs of special education and related services, and supplementary aids and services, provided in a regular class or other education-related setting to a child with a disability in accordance with the IEP of the child, even if one or more nondisabled children benefit from these services.

(2) Early intervening services. To develop and implement coordinated, early intervening educational services in accordance with 300.226.

(3) High cost special education and related services. To establish and implement cost or risk sharing funds, consortia, or cooperatives for the LEA itself, or for LEAs working in a consortium of which the LEA is a part, to pay for high cost special education and related services.

(b) Administrative case management. An LEA may use funds received under Part B of the Act to purchase appropriate technology for recordkeeping, data collection, and related case management activities of teachers and related services personnel providing services described in the IEP of children with disabilities, that is needed for the implementation of those case management activities.

Preschool Funds (Sec. 619)

Preschool grant funds may only be used to provide special education and related services to IDEA-eligible children with disabilities, aged three through five years, in accordance with Part B of IDEA.